

BEFORE THE MUNICIPAL BOARD

OF THE STATE OF MINNESOTA

Thomas J. Simmons	Chairman
Robert W. Johnson	Vice Chairman
Robert J. Ferderer	Member
Francis Murphy	Ex-Officio Member
Alvin Hauge	Ex-Officio Member

IN THE MATTER OF THE PETITION)
 FOR ANNEXATION OF CERTAIN LAND)
 TO THE CITY OF BRAINERD)

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on April 18, 1979, at Brainerd, Minnesota and continued from time to time. The hearing was conducted by Terrence A. Merritt, Executive Director and Robert W. Johnson pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were County Commissioners Francis Murphy and Alvin Hauge, ex-officio members of the Board. The City of Brainerd appeared by and through D. A. Larson, the Township of Crow Wing appeared by and through Douglas P. Anderson, and the petitioners appeared by and through Thomas R. Borden. Testimony was heard, and records and exhibits were received.

After due and careful consideration of all evidence, together with all records, files and proceedings, the Minnesota Municipal Board hereby makes and files the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

I. On October 3, 1978, a copy of a petition for annexation by all the property owners was filed with the Minnesota Municipal Board. The petition contained all the information required by statute including a description of the territory subject to annexation which is as follows:

The Northeast Quarter of the Northwest Quarter (NE¹/₄, NW¹/₄),
 Section Two (2), Township Forty-Four (44), Range Thirty-One (31).
 (The territory described abuts the city limits on the Southern
 Boundary thereof.)

An objection to the proposed annexation was received by the Minnesota Municipal Board from Crow Wing Township on December 26, 1978. The Municipal Board upon receipt of this objection conducted further proceedings in accordance with M.S. 414.031, as required by M.S. 414.033, Subd. 5.

A resolution supporting the annexation was not received from the annexing municipality.

II. Due, timely and adequate legal notice of the hearing was published, served and filed.

III. Geographic Features

- A. The area subject to annexation is unincorporated and abuts the City of Brainerd.
- B. The total area of the territory subject to annexation is 43 acres.
- C. The perimeter of the area to be annexed is approximately 25% bordered by the municipality.
- D. The natural terrain of the area, including general topography, major watersheds, soil conditions, rivers, lakes and major bluffs is: Rolling land, with timber and adjacent to the Mississippi River.

IV. Population Data

- A. The City of Brainerd:
 - 1. In 1970, there were 11,667 residents.
 - 2. The present estimated population is 11,344.
- B. The area subject to annexation:
 - 1. The present population is 0.
- C. The Township of Crow Wing:
 - 1. In 1970, there were 560 residents.
 - 2. The present estimated population was not introduced.

V. Development Issues

- A. The pattern of physical development, including land already in use, in the process of being developed, and remaining for various uses.
 - 1. Area in Use
 - a. In the City of Brainerd:
Residential, institutional, commercial, industrial, agricultural, vacant land
 - b. In the area subject to annexation:
Residential, and vacant land
 - c. In the Township of Crow Wing:
Residential, commercial, industrial, agricultural, and vacant land
 - 2. Area being Developed
 - a. In the area subject to annexation:
Residential

B. Transportation:

1. The present transportation network is:
 - a. In the City of Brainerd: State, County and City Roads
 - b. In the area subject to annexation: City and Township Roads

C. Land use controls and planning, including comprehensive plans, in the city and the area subject to annexation:

1. In the City of Brainerd:
 - a. Zoning: yes
 - b. Comprehensive Plan: yes
 - c. Building Inspector: yes
 - d. Planning Commission: yes
2. In the Township of Crow Wing:
 - a. Zoning: no
3. In the County of Crow Wing:
 - a. Zoning: yes
4. There is no inconsistency between the proposed development and the planning and land use controls for the area.

VI. Governmental Services

A. The Town of Crow Wing provides the area subject to annexation with the following services:

1. Water: no
2. Sewer: no
3. Fire protection and rating: yes
4. Police protection: no
5. Street improvements: contract with County
6. Street maintenance: contract with County

B. The City of Brainerd provides its residents with the following services:

1. Water: yes
2. Sewer: yes
3. Fire protection and rating: yes
4. Police protection: yes
5. Street improvements: yes
6. Street maintenance: yes
7. Recreational: yes
8. Administrative services: yes
9. Electrical: yes

C. The City of Brainerd does not provide the area subject to annexation with any services.

D. Plans and programs by the annexing municipality to provide needed governmental services for the area proposed for annexation include: the sizing and location of sewer and water.

E. The following services will be available to the annexed area within three years: sewer, water, police and fire protection and street improvements and maintenance.

VII. Tax Base

- A. In the City of Brainerd, the tax base includes the following property types: Residential, Commercial, Industrial, and vacant land.
- B. In the Township of Crow Wing, the tax base includes the following property types: Residential, Commercial, Industrial, Agricultural and vacant land.
- C. In the area subject to annexation, the tax base includes the following property:

Residential and vacant land

VIII. Tax Data

- A. In the City of Brainerd:
 - 1. Mill rate in 1979 is 18.72.
- B. In the Township of Crow Wing:
 - 1. Mill rate in 1979 is 19.88.
- C. In the area subject to annexation:
 - 1. Mill rate in 1979 is 19.88.

IX. Annexation to the City of Brainerd is the best alternative.

- A. There is no detrimental relationship of the proposed annexation on area school districts and on adjacent communities.
 - B. The town government is inadequate to deliver services to the area proposed for annexation.
 - C. The necessary governmental services could not best be provided by incorporation or annexation to an adjacent municipality.
 - D. Present assessed valuation of the Town of Crow Wing: \$1,282,750.

Present assessed valuation of proposed annexation area: \$2,760.

New valuation of the Town of Crow Wing if entire area is annexed: \$1,279,990.
 - E. Crow Wing Township can continue to function without the area subject to annexation.
- X. A majority of property owners in the area to be annexed have petitioned the Minnesota Municipal Board requesting annexation.

CONCLUSIONS OF LAW

- I. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.
- II. The area subject to annexation is now or is about to become urban or suburban in character.
- III. Municipal government is required to protect the public health, safety, and welfare in the area subject to annexation.

IV. The best interest of the area subject to annexation will be furthered by annexation.

V. The remainder of the Township of Crow Wing can carry on the functions of government without undue hardship.

VI. There is a reasonable relationship between the increase in revenue for the City of Brainerd and the value of benefits conferred upon the area subject to annexation.

VII. Annexation of all or a part of the property to an adjacent municipality would not better serve the interests of the residents who reside in the area subject to annexation.

VIII. Three years will be required to effectively provide full municipal services to the annexed area.

IX. This annexation proceeding has been initiated by a petition of a majority of property owners and, therefore, this Minnesota Municipal Board order is not subject to an annexation election.

X. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

O R D E R

I. IT IS HEREBY ORDERED: That the property described herein situated in the County of Crow Wing, State of Minnesota, be and the same is hereby annexed to the City of Brainerd, Minnesota, the same as if it had been originally made a part thereof:

The Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$, NW $\frac{1}{4}$),
Section Two (2), Township Forty-Four (44), Range Thirty-One (31).
(The territory described abuts the city limits on the Southern
Boundary thereof.)

II. IT IS FURTHER ORDERED: That the mill levy of the City of Brainerd on the property herein ordered annexed shall be increased in substantially equal proportions over a period of three years to equality with the mill levy of the property already within the City.

III. IT IS FURTHER ORDERED: That the effective date of this order is December 21st, 1979.

Dated this 21st day of December, 1979

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
St. Paul, Minnesota 55101

Terrence A. Merritt
Terrence A. Merritt
Executive Director